



Memorandum

TO: City Council**FROM:** Mayor Ron Gonzales
Councilmember Nora Campos**SUBJECT:** Parking Vehicles For-Sale on
Public Right of Way**DATE:** March 29, 2006

Approved

Date

Ron Gonzales *Nora Campos* 3/29/06

RECOMMENDATION:

Direct the City Attorney's Office to work with the appropriate Departments and return to the City Council by May 16th with the following information:

1. Alternative methods to regulate parking of vehicles displayed for sale on city roadways pursuant to San José Municipal Code Section 11.36.100 (1)
2. Information and analysis of on-street "Used Cars for Sale" vehicle counts, streets affected by "de facto used car lots," as well as any studies, anecdotal evidence, or legislative findings regarding the impacts of cars displayed for sale on public rights-of-way.

BACKGROUND:

Currently the City Attorney has placed a moratorium on the enforcement of San José Municipal Code Section 11.36.100, which prohibits a person from parking a vehicle "upon any roadway for the principal purpose of displaying such vehicle for sale," because of his legal concerns about the constitutionality of the ordinance as it relates to "commercial speech." As a consequence of this moratorium, however, there is a growing number of "de facto used car lots" in our neighborhoods that are contributing to traffic accidents, increased congestion, and visual blight.

Councilmember Campos's office has worked with the Departments of Transportation and Code Enforcement to develop and use alternative methods to achieve the goal of the ordinance. These methods included the creation of time-limited zones or no-parking zones in some problem areas of East San José. However, these measures have not proven to be practical for citywide application, and they often result in shifting these informal used car lots from location to location and merely move the problem to other neighborhoods.

The blight, congestion, and driver distractions caused by de facto used car lots are degrading quality of life and affecting safety for our residents. With additional data and more analysis on this issue, we hope that we can identify practical, effective, and enforceable alternatives that will protect our neighborhoods and accomplish the intentions of the current ordinance.

cc: Richard Doyle, City Attorney
Jim Helmer, Department of Transportation
Mike Hannon, Code Enforcement